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C O N F I D E N T I A L ASHGABAT 000136

SIPDIS

STATE FOR CA/OCS/ACS; FRANKFURT FOR RCO

E.O. 12958: DECL: 01/27/2019
TAGS: [CASC](#) [PREL](#) [TX](#)
SUBJECT: CONSULAR NOTIFICATION IN TURKMENISTAN: PERPETUAL
PROBLEM, SEMINAR SUGGESTED

Classified By: Charge Richard Miles, reasons 1.4 (B) and (D).

11. (SBU) SUMMARY: In a meeting to discuss the consular notification issues that arose in a recent deportation case, the Head of the MFA's Consular Department suggested that Turkmenistan's law enforcement agencies were unaware of all the requirements contained in the Vienna Convention. Specifically, he noted that State Migration would probably not inform the MFA if a foreigner was ordered to leave the country or otherwise detained, as long as the foreigner was not fined or charged with a "serious" violation of the law. He responded positively to the Consular Chief's offer to share DOS training materials, and even suggested that a seminar for representatives from law enforcement agencies would be mutually beneficial. Other embassies report that consular notification is rarely forthcoming, but hope that something can be done. END SUMMARY.

MFA SUGGESTS "CATCH AND RELEASE" MIGHT NOT REQUIRE NOTIFICATION

12. (SBU) On January 16, ConsChief met with Husseyin Rejepov, Head of the MFA's Consular Department, to discuss consular notification requirements under the Vienna Convention. Post requested the meeting based on the case of a dual Canadian/American oilfield worker who was deported for violating curfew by spending a late night with his Turkmen fiancée. Post found out about the deportation from the Amcit himself, who emailed the Consular Section several weeks after his return to Canada. (NOTE: The Amcit, who also holds Canadian citizenship, entered Turkmenistan on his Canadian passport. PIERS indicates that his last U.S. passport expired in 2001. END NOTE.) Rejepov assured ConsChief that the MFA was well aware of the requirements of the Vienna Convention, and would of course notify the appropriate embassy in the event of the arrest of a foreigner. He noted, however, that if local law enforcement officers detain a foreigner and release them soon afterwards (say, after taking the subject to a police station for questioning), they would probably not notify the MFA. This would especially be the case if the foreigner was arrested solely on suspicion of a minor violation of law that would eventually result in a fine. He further split hairs by suggesting that the Amcit in question could have been "asked" to leave the country after a short detention, and since he "voluntarily returned to his motherland" the MFA would not have been notified. (NOTE: It is unclear if the MFA would see this as triggering automatic notification under bilateral agreements or not, as the departure was "voluntary." Post's position is that the Embassy should be notified in these cases since the police and State Migration Service would have detained the subject. END NOTE.)

13. (U) ConsChief reiterated the absolute need to notify embassies any time a foreigner is arrested, but sympathized

with Rejepov over getting this information down to the operational units that need to contact the MFA in the first place. ConsChief offered to share Department of State materials that are used to train U.S. law enforcement entities, an offer which Rejepov enthusiastically embraced. He also went so far as to suggest that a seminar to train pertinent agencies would be mutually beneficial. ConsChief agreed, and offered to begin work on such a seminar, possibly making use of the Regional Consular Officer with responsibility for Turkmenistan when she makes her initial trip to the region later this spring.

OTHER EMBASSIES ALSO HAVE PROBLEMS

14. (C) In a subsequent conversation with the German Consul and Turkish DCM, each related recent stories about the difficulty in receiving notification, let alone timely notification. The German Consul related a number of stories about German tourists being stranded in Ashgabat's airport for several days. In one case, the Consul only found out about a German man and his children because the wife called the German Embassy directly. When asked, the airport authorities denied that there were any foreigners stranded at the airport, and once finally pressed by the MFA and Lufthansa representative, did they admit to the presence of German citizens. Even so, the Consul was denied access to the subjects, and had to arrange everything through the Lufthansa representative and via cell phone to the next room.

15. (C) The Turkish DCM reported that a Turkish construction site manager was recently arrested due to an industrial accident that occurred on site. The Turkish Embassy found

out about the situation, including the subject's trial date and location, from other construction company representatives. Fortunately in this case, the presiding judge agreed to postpone the trial to allow the Turk to consult with a lawyer and Turkish Embassy representatives and apologized for not notifying them since he was unaware of the requirement.

16. (SBU) COMMENT: We are surprised by Rejepov's responsiveness to our offer, and his initiative in proposing a seminar. Previously, relations with the MFA Consular Department have been proper, but less than cordial. We will do our utmost to respond promptly to his proposal to organize a seminar on the Vienna Convention and consular notification responsibilities. It may be an appropriate use for INL funds under the rule of law rubric to assist in producing training materials. Other embassies are hopeful that providing more information to the operational levels will result in better adherence to the conventions. Even so, given their experiences, we suspect that we will have a long, hard row to hoe. END COMMENT.

MILES